



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 10**  
1200 Sixth Avenue  
Seattle, WA 98101

SEP 18 2000

Reply To  
Attn Of: OW-137

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Colonel Uldric L. Fiore  
Chief of Litigation Division  
Office of Judge Advocate General  
Department of the Army  
901 North Stuart Street  
Arlington, VA 22203

Re: In the Matter of: United States Army, Fort Lewis, located in Fort Lewis, Washington:  
Docket No: RCRA-10-2000-0216

Dear Colonel Fiore:

Enclosed is an Administrative Complaint and Compliance Order ("Complaint") for the assessment of civil penalties that has been filed against the United States Army, Fort Lewis, located in Fort Lewis, Washington ("Fort Lewis" or "the Army") by the United States Environmental Protection Agency ("EPA"). A copy of the penalty policy and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, that apply to this Complaint under 40 C.F.R. Part 22 are also enclosed.

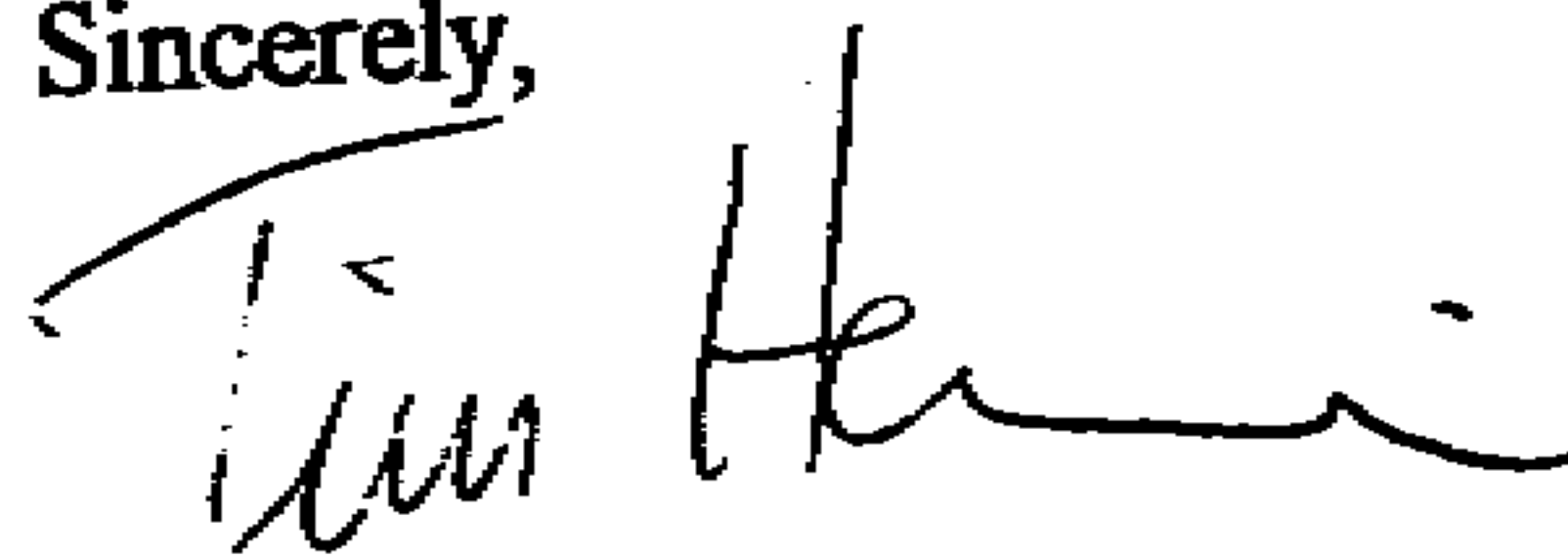
The Complaint alleges that Fort Lewis violated the Washington State underground storage tank regulations, approved under Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A (as published in 58 Fed. Reg. 47217 (Sept. 8, 1993, and became effective October 8, 1993)). Specifically, Fort Lewis failed to comply with the requirements and standards of the State of Washington underground storage tank management program. Violations of these requirements are subject to federal enforcement action under Section 9006 of RCRA, 42 U.S.C. § 6991e.

Fort Lewis has the right to a hearing to challenge the factual allegations in the Complaint. As explained in the Complaint, the Army has 30 days to file a written Answer and request a hearing with an administrative law judge (unless an extension is granted).

Whether or not a hearing is requested, Fort Lewis may contact the below-named attorney to arrange for an informal settlement conference to discuss the facts of the case, the amount of the proposed penalty, and the possibility of settlement. Based on past conversations between EPA and Fort Lewis representatives, we continue to believe that we can come to mutual agreement on an acceptable settlement.

To arrange for a settlement conference, request a time extension on filing an Answer, or ask any other questions, please contact Joan Olmstead, case attorney, at (202) 564-4018.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tim Hamlin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tim Hamlin, Manager  
Ground Water Protection Unit

Enclosure

cc: Lt. General James T. Hill, Post Commander, Fort Lewis  
Barry Rogowski, Washington Department of Ecology (Complaint only)